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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/391,427	09/08/1999	THEODORE JAMES MYERS	AOO506	8593
757	7590	01/06/2004	EXAMINER	
BRINKS HOFER GILSON & LIONE P.O. BOX 10395 CHICAGO, IL 60611			KALINOWSKI, ALEXANDER G	
			ART UNIT	PAPER NUMBER
			3626	

DATE MAILED: 01/06/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/391,427

Applicant(s)

MYERS ET AL.

Examiner

Alexander Kalinowski

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 22 October 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 12-15, 17-22, 24, 25, 38-46 and 59-68 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 12-15, 17-22, 24, 25, 38-46 and 59-68 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. §§ 119 and 120

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some \* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
\* See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.  
a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

### **DETAILED ACTION**

1. Claims 12-25 and 38-47 are presented for examination. Applicant filed an amendment on 2/3/2003, amending the abstract and amending independent claims 12, 20, 38, and 44. Applicant further filed a request for continued examination on 10/7/2003. Applicant further filed a preliminary amendment on 10/22/2003, canceling claims 16, 23 and 47, amending claims 12, 20, 38, 44, and adding claims 59-68. New grounds of rejection are established for claims 12-15, 17-22, 24, 25, 38-46 and 59-68 as set forth in detail below.

### ***Response to Arguments***

2. Applicant's arguments filed 10/7/2003 and 10/22/2003 have been fully considered but they are not persuasive or moot in view of new grounds of rejection. Applicant argues that the Zeitman reference does not disclose negotiating with the central control unit responsive to the central control unit auctioning the parking spaces. The Examiner disagrees. The Examiner notes that the Zeitman reference discloses a system that "auctions" an available parking space to the first user who requests the space (i.e. offer). Once the available parking space has been reserved, the system may receive subsequent requests for that same parking spot (i.e. counteroffer). Therefore, Zeitman discloses "negotiating with the central control unit responsive to the central control unit auctioning the parking spaces" and Applicant's arguments are deemed nonpersuasive.

***Claim Rejections - 35 USC § 102***

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claims 12, 13, 18-21, 38-42, and 44-46 are rejected under 35 U.S.C. 102(e) as being anticipated by Zeitman, Pat. No. 5,940,481.

As to claims 12, 20, 38, and 44-46, Zeitman discloses a method performed by a customer communication device operated by a customer, in a combination reservation and navigation system (i.e. parking management)(see Fig. 1 and abstract), comprising the steps of

accessing reservation information representing a good or a service that may be reserved by customers from one of a plurality of businesses (i.e. user may reserve a parking facility)(col. 5, lines 1-5);

making a request for a reservation of the good or the service responsive to the step of accessing the reservation information (col. 5, lines 7-9);

receiving confirmation information, representing that the reservation has been made for the good or the service associated with one of the plurality of businesses, responsive to

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the step of making the request(i.e. receives confirmation of authorization to park there)(col. 5, lines 15-18); and

receiving electronic navigation information from a reservation communication device over a communication link responsive to the step of receiving the confirmation information, wherein the electronic navigation information assists the customer in traveling from a customer geographic location to a business geographic location of the good or the service reserved by the customer (i.e. map of region in which user is interested in parking)(col. 5, lines 5-7).

negotiating with the reservation communication device for the good or the service desired by the customer responsive to the reservation communication device auctioning the good or the service to the customer, wherein the auctioning allows for at least one offer and at least one counteroffer (i.e. a user may reserve a parking facility ... the next time a potential user ... wishes to park in the reserved facility and communicates with central computer unit 12, the user receives a message that the facility is reserved and not authorized for use)(see Fig. 3 col. 5, lines 1-17).

As to claims 13 and 21, Zeitman discloses a method further comprising the steps of

transmitting a payment to one of the reservation communication device and a business communication device for the good or the service associated with the reservation responsive to the step of making the request for the reservation (i.e. billing apparatus)(col. 3, lines 23-32); and

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receiving receipt information representing that the payment has been received by the one of the reservation communication device and the business communication device responsive to the step of transmitting the payment(col. 3, lines 23-32) .

As to claims 18, 39 and 45 , Zeitman discloses a method further comprising the step of communicating the confirmation information to the one of the plurality of businesses located at the business geographic location responsive to the customer arriving at the business geographic location (user may report his arrival to central control unit or parking attendant)(col. 3, lines 58-63).

As to claims 19, 25, 40-42, and 46, Zeitman discloses a method wherein the confirmation information is communicated to a business communication device, associated with the one of the plurality of businesses, at the business geographic location over a radio frequency communication link responsive to the customer communication device being proximate to the business communication device (col. 4, lines 13-23).

### ***Claim Rejections - 35 USC § 103***

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the

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invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 14, 17 and 24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Zeitman as applied to claims 12 and 20 above, and further in view of Yoshida, Pat. No. 5,877,704.

As to claim 14, Zeitman does not explicitly disclose a method according to claim 12 further comprising the step of

transmitting a request for the electronic navigation information responsive to the step of receiving the confirmation information.

However, Yoshida discloses receiving electronic navigation information upon receiving confirmation information (col. 4, lines 1-7 and lines 44-58). It would have been obvious to one of ordinary skill in the art at the time of Applicant's invention to include transmitting a request for the electronic navigation information responsive to the step of receiving the confirmation information as disclosed by Yoshida within Zeitman for the motivation of placing a reservation for a parking space from a remote site and provide roadway information as well (col. 1, lines 32-40 and col. 4, lines 1-7).

As to claims 17 and 24, Zeitman discloses a method according to claim 12: wherein the steps of accessing the reservation information, making the request and receiving the confirmation information are performed by a fixed customer communication device (i.e. computer)(col. 3, lines 19-22), and

Zeitman does not explicitly disclose

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wherein the step of receiving the electronic navigation information is performed by a mobile customer communication device.

However, Yoshida discloses receiving electronic navigation information upon receiving confirmation information i.e. vehicle mounted device)(col. 3, lines 62-67 and col. 4, lines 1-7 and lines 44-58). It would have been obvious to one of ordinary skill in the art at the time of Applicant's invention to include wherein the step of receiving the electronic navigation information is performed by a mobile customer communication device as disclosed by Yoshida within Zeitman for the motivation of placing a reservation for a parking space from a remote site and provide roadway information as well (col. 1, lines 32-40 and col 4, lines 1-7).

7. Claims 15 and 22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Zeitman as applied to claims 12 and 20 above, and further in view of Sehr, Pat. No. 6,085,976.

As to claim 15 and 22, Zeitman and Yoshida do not explicitly disclose a method according to claim 12 wherein the customer information includes a customer profile representing preferences of the customer for the good or the service desired by the customer.

However, Sehr discloses the customer information includes a customer profile representing preferences of the customer for the good or the service desired by the



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customer (i.e. passenger's purchase habits)(col. 6, lines 10-15). It would have been obvious to one of ordinary skill in the art at the time of Applicant's invention to include the customer information includes a customer profile representing preferences of the customer for the good or the service desired by the customer as disclosed by Sehr within Zeitman for the motivation of providing better quality of service (col. 2, lines 7-14).

8. Claims 43 and 59-63 are rejected under 35 U.S.C. 103(a) as being unpatentable over Zeitman as applied to claims 12, 20, 38 and 44 above, and further in view of DeLorme et al., Pat. No. 5,948,040 (hereinafter DeLorme).

As to claim 43, Zeitman does not explicitly disclose a customer communication device according to claim 40 wherein the radio frequency communication interface is adapted to communicate packet signals.

However, DeLorme discloses a customer communication device adapted to communicate packet signals (i.e. mobile users can access the system via wireless communication)(see abstract, col. 14, lines 43-52 and col. 24, lines 29-67). It would have been obvious to one of ordinary skill in the art at the time of Applicant's invention to include a customer communication device adapted to communicate packet signals as disclosed by DeLorme within Zeitman for the motivation of providing complete integration of all aspects of travel/activity required by a user (col. 6, lines 47-64).

As to claim 59, Zeitman does not explicitly disclose the method of claim 12 further comprising the step of:

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receiving second electronic navigation information wherein the second electronic navigation information assists the customer in traveling from the business geographic location to a second business geographic location of a second good or service reserved by the customer.

However, DeLorme discloses receiving second electronic navigation information wherein the second electronic navigation information assists the customer in traveling from the business geographic location to a second business geographic location of a second good or service reserved by the customer (i.e. waypoints and POIs)(col. 9, lines 12-28 and lines 35-47). It would have been obvious to one of ordinary skill in the art at the time of Applicant's invention to include receiving second electronic navigation information wherein the second electronic navigation information assists the customer in traveling from the business geographic location to a second business geographic location of a second good or service reserved by the customer as disclosed by DeLorme within Zeitman for the motivation of providing complete integration of all aspects of travel/activity required by a user (col. 6, lines 47-64).

As to claim 60, Zeitman does not explicitly disclose the method of claim 12 further comprising

prior to traveling to the business geographic location, accessing second reservation information representing a second good or service that may be reserved by customers from a second business of the plurality of businesses;

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making a second request for a second reservation of the second good or service responsive to the step of accessing the second reservation information; and

receiving second confirmation information, representing that the second reservation has been made for the second good or service associated with the second business, responsive to the step of making the second request.

However, DeLorme discloses prior to traveling to the business geographic location, accessing second reservation information representing a second good or service that may be reserved by customers from a second business of the plurality of businesses (col. 9, lines 35-47);

making a second request for a second reservation of the second good or service responsive to the step of accessing the second reservation information (col. 9, lines 12-28 and lines 35-47); and

receiving second confirmation information, representing that the second reservation has been made for the second good or service associated with the second business, responsive to the step of making the second request (col. 15, lines 33-66). It would have been obvious to one of ordinary skill in the art at the time of Applicant's invention to include the features claimed above as disclosed by DeLorme within Zeitman for the motivation of providing complete integration of all aspects of travel/activity required by a user (col. 6, lines 47-64).

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As to claim 61, Zeitman does not explicitly disclose the method of claim 12 wherein the electronic navigation information comprises at least one of an e-text direction and a highlighted map travel path.

However, DeLorme discloses wherein the electronic navigation information comprises at least one of an e-text direction and a highlighted map travel path (col. 49, lines 60-65). ). It would have been obvious to one of ordinary skill in the art at the time of Applicant's invention to include the features claimed above as disclosed by DeLorme within Zeitman for the motivation of providing complete integration of all aspects of travel/activity required by a user (col. 6, lines 47-64).

As to claim 62, Zeitman does not explicitly disclose the method of claim 12 further comprising the step of selecting a route type from a plurality of route types associated with the electronic navigation information wherein the plurality of route types includes at least one of the quickest route and the shortest route.

However, DeLorme discloses the step of selecting a route type from a plurality of route types associated with the electronic navigation information wherein the plurality of route types includes at least one of the quickest route and the shortest route (col. 29, lines 19-31). ). It would have been obvious to one of ordinary skill in the art at the time of Applicant's invention to include the features claimed above as disclosed by DeLorme within Zeitman for the motivation of providing complete integration of all aspects of travel/activity required by a user (col. 6, lines 47-64).

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As to claim 63, Zeitman does not explicitly disclose the method of claim 12 further comprising the step of determining the customer geographic location by at least one of a global positioning system or 911 cellular service locating.

However, DeLorme discloses comprising the step of determining the customer geographic location by at least one of a global positioning system or 911 cellular service locating (col. 10, lines 34-58). It would have been obvious to one of ordinary skill in the art at the time of Applicant's invention to include the features claimed above as disclosed by DeLorme within Zeitman for the motivation of providing complete integration of all aspects of travel/activity required by a user (col. 6, lines 47-64).

9. Claims 64-69 are rejected under 35 U.S.C. 103(a) as being unpatentable over Zeitman in view of DeLorme.

As to claim 64, the claim is similar in scope to claim 63 and is rejected on the same basis.

As to claim 65-69, the claims are similar in scope to claim 59 and 60 and are rejected on the same basis. Furthermore, DeLorme discloses providing discounts and incentives offers (col. 14, lines 19-43). It would have been obvious to one of ordinary skill in the art at the time of Applicant's invention to include the features claimed above as disclosed by DeLorme within Zeitman for the motivation of providing complete integration of all aspects of travel/activity required by a user (col. 6, lines 47-64).

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Although Zeitman and DeLorme do not explicitly disclose offers or counteroffers based on time of day or volume sales of the product, the Examiner takes official notice that these types of offers were well known in the airline ticketing arts for the motivation of maximizing profits per plane load. It would have been obvious to one of ordinary skill in the art at the time of Applicant's invention to include the features claimed above within Zeitman and DeLorme for the motivation stated above.

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**Conclusion**

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Alexander Kalinowski, whose telephone number is (703) 305-2398. The examiner can normally be reached on Monday to Thursday from 9:00 AM to 6:30 PM. In addition, the examiner can be reached on alternate Fridays.

If any attempt to reach the examiner by telephone is unsuccessful, the examiner's supervisor, Joseph Thomas, can be reached on (703) 305-9588. The fax telephone number for this group is (703) 305-7687 (for official communications including After Final communications labeled "Box AF").

Hand delivered responses should be brought to Crystal Park 5, 2451 Crystal Drive, Arlington, VA, 7th Floor, receptionist.



Alexander Kalinowski

Primary Examiner

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12/29/03